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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,500	01/26/2001	Yasuhiro Toda	TESJ.0025	6103

38327 7590 09/08/2004

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EXAMINER

GORT, ELAINE L

ART UNIT PAPER NUMBER

3627

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,500

Applicant(s)

TODA, YASUHIRO

Examiner

Elaine Gort

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "[{the}] hospitality industry" in line 2. There is insufficient antecedent basis for this limitation in the claim and it is unclear what the status of the word "the" is.

In claim 28 line 2 it is unclear what the status of the word "of" in "a public organization [{of}] or a company".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cumbers (US Patent 6,142,876) in view of Examiner's Official Notice.

Cumbers discloses the claimed device but is silent regarding the taking of facial images of customers every time the customers come to the store or facility and the use of a server. Cumbers discloses that it is old and well known in the art of security to use passive identification of all persons desiring to have access to a particular area (see column 2 lines 20-30 discussing Maeno U.S. Pat. No 5,283,644) to prevent criminal activity. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer information control system of Cumbers with the taking of images of all persons desiring to have access to the casino area, in order to prevent criminal activity within the casino area (as taught by Maeno in Cumbers).

Examiner takes Official Notice that it is notoriously old and well known in the art of networked computer systems to use servers and personal computers to provide high speed, reliable remote data communication. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of Cumbers with a server and personal computers to provide high speed, reliable remote data communication of customer information and images.

Regarding the use of wireless communication, Internet communication and voice recognition Examiner takes Official Notice that wireless communication, Internet communication and voice recognition are old and well know in the art of communication and identification, respectively, to provide convenient, fast, inexpensive communication and to more accurately identify an individual. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer

information control system of Cumbers with the wireless communication, Internet communication and additional voice recognition of Examiners Official Notice in order to provide convenient, fast, inexpensive communication and to improve the accuracy of identifying users.

Regarding access by the police to the system, Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art of security services to provide data related to slot cheats or other undesirables to the police to provide them with criminal evidence and identification information. Note: Cumbers discloses the access to the system to an outside vendor such as a security service in column 5, lines 54+. It would further be obvious that the images of known slot cheats or other undesirables would come from criminal reports.

Regarding the input of customer personal information including information regarding orders and customer service used in the store or facility, Cumbers discloses in column 3 lines 8+ that data relating to the parameters of play is stored. The Examiner construes this data relating to the parameters of play to be information relating to an order and customer service. For example the gambler may request a specific bet, beverage, cash in of bet, exchange of cash for chips, etc...

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 and 25-32 have been considered but are moot in view of the new ground(s) of rejection. See details above for clarification.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Elaine Gort
Examiner
Art Unit 3627

September 4, 2004